

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PHP AGENCY, INC.,

*Plaintiff,*

v.

JOSE MARTINEZ AKA TONY  
MARTINEZ, et al.,

*Defendants.*

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Civil Action No. 3:21-CV-00418-X

**MEMORANDUM OPINION AND ORDER**

Before the Court is the defendants Tony Martinez's and Maria Elizarraga's (Florida defendants) motion to dismiss [Doc. No. 25]. The Florida defendants incorporate and restate the arguments made by the other defendants' motions to dismiss in this action, which the Court dealt with in a memorandum opinion and order filed earlier today [Doc. No. 66]. For reasons explained in that earlier order, the Court **GRANTS IN PART AND DENIES IN PART** the Florida defendants' motion to dismiss. The Court **DENIES** the motion as to Claims One, Two, Three, Four, Five, and Nine. The Court **GRANTS** the motion as to Claims Six, Seven, and Eight. However, PHP may amend its complaint as to Claims Six, Seven, and Eight within 28 days of this order.

Also before the Court is PHP's objection to the Florida defendants' supplemental declarations. [Doc. No. 49]. The Court construes this objection as a

motion to strike, and, for reasons explained in its previous memorandum opinion and order [Doc. No. 66] **GRANTS** this motion.

**IT IS SO ORDERED** this 10th day of January, 2022.

A handwritten signature in black ink, appearing to read "Brantley Starr", written over a horizontal line.

BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE